

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 2, 1988

ALL COUNTY LETTER NO. 88-39

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: Implementation of the Immigration Reform and Control Act of 1986

REFERENCE: ACL NOS. 87-77, 88-25; ACIN I-88-87, I-16-88 (SAVE)

The purpose of this letter is to provide Counties with updated information on the status of the Immigration Reform and Control Act of 1986 (IRCA). Included in this letter is an overview of IRCA provisions and instructions necessary to begin implementation of IRCA requirements.

BACKGROUND

The IRCA contains several provisions which impact County Welfare Departments (CWDs), including: 1) granting amnesty to certain groups of aliens which may, in turn, affect their eligibility for public assistance and social services programs; 2) requiring States to implement the Systematic Alien Verification for Entitlements (SAVE) system by October 1, 1988 to verify citizenship status; 3) providing State Legalization Impact Assistance Grants (SLIAG) to States to cover administrative costs and assistance payments to eligible legalized aliens; and 4) requiring employers to verify citizenship status of certain employees.

AMNESTY PROVISIONS

The IRCA allows certain aliens illegally residing in the United States to apply for legal residency status if they can otherwise qualify as legal residents under Immigration and Naturalization

Service (INS) guidelines. Included are Pre-1982 Amnesty Aliens, Special Agricultural Workers, Replenishment Agricultural Workers, Cuban-Haitian Entrants, and Pre-1972 Registry Aliens.

Legalized Alien - Temporary Status

From May 5, 1987 to May 4, 1988, aliens who have lived in the United States illegally since before January 1, 1982 can apply for temporary resident status (TRS) under Section 245A of the Immigration and Nationality Act (INA). Such legalized aliens remain in temporary status for a minimum of 18 months, or a maximum of 30 months. INS will issue an I 688A - Employment Authorization to aliens who have met initial eligibility requirements and have filed an application for amnesty. The I 688A is valid for six months. When TRS is granted, an I 688 - Temporary Resident Card will be issued to all aliens who have been granted amnesty under this section. Examples of new INA identification cards were provided in All-County Information Notice I-88-87.

Legalized Alien - Permanent Status

Those aliens who were granted TRS under Section 245A are eligible to apply for permanent resident status (PRS) after serving 18 months in TRS. In order to remain legally in the United States, a TRS alien must request adjustment of status by the end of the 30th month. INS will issue an I 551 - Resident Alien Card (Green Card) to an alien who has had his/her status adjusted to PRS. It is anticipated that the I 551 will be annotated with the section number of the INA under which an alien has adjusted status and the date of adjustment.

Special Agricultural Workers (SAWs)

From June 1, 1987 to November 30, 1988, aliens who have lived in the United States and worked at least 90 days in perishable crop agriculture in each of the three years prior to May 1, 1986 (Group 1 SAWs), or aliens under like circumstances who worked 90 days only in the 12 months prior to May 1, 1986 (Group 2 SAWs), may apply for temporary resident status. While approval for TRS is pending, SAWs will be issued an I 688A. INS will issue form I 688 to SAWs aliens who have had their status legalized under INA Section 210.

Special Agricultural Workers - Permanent Status

Group 1 SAWs status will be adjusted to PRS after one year in TRS, while Group 2 SAWs status will be adjusted to PRS only after 2 years. It is anticipated that INS will issue an I 551 to SAWs who have had their status adjusted to PRS similar to pre-1982 aliens.

Replenishment Agricultural Workers (RAWs) (also known as Additional Special Agricultural Workers (ASAWs))

From October 1, 1989 to September 30, 1994, the Secretaries of Agriculture and Labor may determine there is a shortage of domestic agricultural workers. If so, they may permit the importation of new alien farm workers who would be granted temporary resident status under INA Section 210A. A RAWs alien may apply for PRS after three years in temporary status. RAWs aliens will be issued an I 688 and an I 688A by INS in the same manner as SAWs.

Cuban-Haitian Entrants

From November 6, 1986 to November 5, 1988, Cuban-Haitian entrants who were admitted to the United States as immigrants or asylees prior to January 1, 1982, and persons who received a Cuban-Haitian designation before November 6, 1986 under INA Section 212(d)(5), are eligible to apply for immediate adjustment to permanent resident status (Status Pending) under Section 202 of the IRCA. Cuban-Haitian Entrants may be identified by INS Form I 94 while their status is pending, and will be issued an I 551 when PRS is granted.

Pre-1972 Amnesty (Updated Registry Aliens)

Section 203 of the IRCA provides that beginning November 6, 1986, persons in an illegal status prior to January 1, 1972 who have lived continuously in the United States since that time, may apply for immediate adjustment to permanent residence status under INA Section 249. Registry Aliens will be issued an I 551 when PRS has been granted.

ELIGIBILITY FOR PUBLIC ASSISTANCE

Aliens legalized under Section 245A of the INA are barred from receiving Federally-funded public assistance (including AFDC and Food Stamps) for five years from the date the alien was granted

lawful temporary resident status. Some exceptions to this prohibition include: 1) a legalized alien child (in temporary or permanent status), who would otherwise be eligible for Federal AFDC Foster Care except for his/her citizenship status, remains eligible for Federal AFDC Foster Care payments; 2) legalized aliens, in either TRS or PRS, remain eligible for SSI/SSP; and 3) certain exceptions for the Medi-Cal Program. (See Department of Health Services All-County Letters 87-55 and 87-56 for more information.)

Aliens granted temporary status under Section 245A are not eligible for AFDC or State AFDC-Foster Care because regulations (Manual of Policies and Procedure Section 42-431) require that an alien be legally residing in the United States as a permanent resident. However, according to the Act, an alien admitted as a SAW (Section 210) or RAW (Section 210A) who is in a temporary resident status for INS purposes, is considered to be in permanent resident status for program eligibility. Therefore, an alien admitted as a SAW or a RAW is considered to be permanently residing in the United States under color of law as required by MPP Section 42-433.

Program eligibility for aliens legalized under IRCA is shown on Attachment 1. Specific instructions will be issued by the appropriate program unit, such as AFDC, Foster Care, etc., after Federal regulations have been issued.

STATE LEGALIZATION IMPACT ASSISTANCE GRANTS (SLIAG)

The IRCA provides funds under SLIAG to assist States and local governments with costs incurred in providing public health, public assistance and educational services to eligible legalized aliens (ELA). SLIAG funds will be available to reimburse Counties for the cost of the assistance payments made only to eligible legalized aliens (those whose status was adjusted under INA Sections 210 and 245A) effective October 1, 1987. Cuban-Haitian Entrants and Pre-1972 Registry Aliens who have had their status adjusted are not eligible for SLIAG reimbursement, unless their status was adjusted under INA Section 245A. It is anticipated that Cuban-Haitian Entrants will adjust their status under INA Section 212, which allows for direct adjustment to PRS, and Registry Aliens will adjust under INA Section 249.

SLIAG funds may be utilized to reimburse Counties for administrative costs incurred effective July 1, 1987, which were directly related to IRCA planning activities, such as establishing reporting systems, revising data processing systems, etc.

ELIGIBILITY FOR SERVICES

Legalized aliens may receive benefits under programs which are not based on financial need, such as:

- Parts B, D, and E of Title IV of the Social Security Act, including Child Welfare Services, Foster Care, and Adoption Assistance
- The Job Training Partnership Act, and
- Title XX of the Social Security Act.

There is no SLIAG reimbursement for costs incurred in providing these services.

SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENT (SAVE)

The Department of Social Services (DSS) and the Department of Health Services are working together to determine the feasibility of implementing the SAVE System. The IRCA requires that such a verification system be implemented in all Counties by October 1, 1988 unless a waiver is granted.

FISCAL CLAIMING INSTRUCTIONS

Assistance Claiming Instructions

The purpose of this section is to transmit assistance claiming instructions to Counties for assistance payments made to ELAs under IRCA. Federal SLIAG funds will cover 100 percent of payments to State-only AFDC-FG/U and County GA ELAs. The SLIAG funds are available retroactively for payments made as of October 1, 1987.

In order to secure Federal SLIAG reimbursement funds, the following reporting requirements are necessary:

Eligible Legalized Aliens on State-Only AFDC-FG/U

Those assistance units (AU) in which at least one member is an ELA will be aided under aid codes 30 (FG) or 35(U), but must be identified with an alpha code. The suggested alpha code is AA (Amnesty Alien). Counties may use another alpha code, but must document the code on their payroll.

In addition, these cases must be submitted on a separate payroll similar to that used for time eligible refugees. This payroll may be either a completely separate payroll from all other AFDC-FG/U AUs or it may be printed and totaled at the beginning or ending of the regular payroll. In either case, there must be a separate summary of the transactions. The date of legalization (DOL) also must be shown on the separate payroll for each member of the AU who is an ELA. This is the date the recipient was approved for legal temporary or permanent status, and will be shown as the "Issue Date" on the I 688. Payments made in prior months must be identified as adjustments on the payroll when retroactive reimbursement is being claimed.

The totals of transactions for ELAs will be combined with the totals of transactions for all other AFDC-FG/U AUs and carried forward to the appropriate CA 800, Summary of Assistance Expenditures. Attached is a camera-ready copy of the DFA 878, SLIAG Funds for ELAs--AFDC-FG/U, which is to be used to claim SLIAG reimbursement for State-Only AFDC-FG/U payments to ELAs. Instructions for completing the DFA 878 are on the back of the form. Counties are to reproduce the attached DFA 878 for use through June 1988. The form will be revised for the new claiming system effective July 1, 1988.

The above instructions apply to the current claiming system for AFDC-FG/U through June 1988. Additional claiming instructions and revised forms will be transmitted for the new claiming system effective July 1, 1988.

Eligible Legalized Aliens on County GA

Cases in which at least one member is an ELA must be identified on a separate GA payroll. Payments made in prior months must be identified as adjustments on the payroll when retroactive reimbursement is being claimed. Counties must ensure that only those payments for eligible legalized aliens are claimed on the summary and payroll. A copy of the separate payroll must be submitted to DSS with the summary claim for SLIAG reimbursement. Attached is a sample copy and instructions of the DFA 876, SLIAG Funds Claimable Based on Expenditures for ELAs -- General Assistance. An initial supply of the DFA 876 will be sent under separate cover.

Administrative Claiming Instructions


Time study and fiscal claiming instructions for administrative costs, which will also include the Medi-Cal Program, will be included in All-County Letters released for the April-June 1988 quarter.

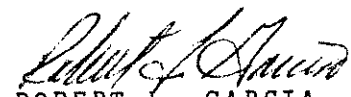
STATISTICAL REPORTING INSTRUCTIONS

A Caseload Report for ELAs is being developed to gather statistical information on IRCA aliens. A separate All-County Letter will be issued with this information.

Questions concerning specific program eligibility should be directed to the involved programs. Questions regarding assistance claiming should be directed to Ms. Stephanie Davis, Fiscal Policy and Procedures Bureau, at (916) 323-0267.

Questions regarding general IRCA program provisions should be directed to Ms. Roberta Wilson of the Immigration and Resettlement Bureau at (916) 445-0563.


ROBERT A. HOREL
Deputy Director
Welfare Program


ROBERT L. GARCIA
Deputy Director
Administration

Attachments

cc: CWDA

STATE LEGALIZATION IMPACT ASSISTANCE GRANT (SLIAG) FUNDS FOR ELIGIBLE LEGALIZED ALIENS (ELA) AFDC/FG-U

(☒) CHECK ONE:☐ FAMILY GROUP☐ UNEMPLOYED

(INSTRUCTIONS ON REVERSE SIDE OF FORM)

COUNTY		DATE (MONTH/YEAR)
ELIGIBLE LEGALIZED ALIENS	EXPENDITURES	PERSONS COUNT

A.

1. Totals for those assistance units (AUs) which include one or more ELA recipients.

\$

B Federal	C Nonfederal	D Total
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2. Federal ratio (1B ÷ 1D) _____

3. Expenditures reported in Item 1 which were made on behalf of federally eligible persons. (Item 2 × 1A)

\$

4. Expenditures reported in Item 1 which were made on behalf of nonfederal persons. (1A minus 3A)

\$

B Nonfederal total (1C above)	C ELA eligible count
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5. ELA ratio (5C ÷ 5B) _____

6. SLIAG funds claimable for ELA recipients. (Item 5 × 4A)

\$

7. State share of SLIAG funds claimable. (Line 6 × .892)

\$

8. County share of SLIAG funds claimable. (Line 6 minus Line 7)

\$

CERTIFICATION

This is to certify that the above information is correct to the best of my knowledge and belief; and that payment for these expenditures has not been received. Records and accounts in support of this claim are available for review and audit.

SIGNATURE OF AGENCY OFFICIAL

TITLE

DATE

INSTRUCTIONS FOR USE OF FORM DFA 878

Complete the following items in accordance with data for all AFDC Assistance Units which include one or more ELA recipients.

1. In Line 1A enter total expenditures; in 1B enter the federal persons count; in 1C enter the nonfederal persons count; and 1D enter the total persons count.
2. Determine the federal ratio by dividing federal persons count by the total persons count. Enter the ratio in Line 2.
3. Multiply total expenditures reported in 1A by the federal ratio (Item 2) to determine the amount expended in behalf of federally eligible persons. Enter the amount in Line 3.
4. In Line 4 enter that portion of the expenditures in 1A made in behalf of nonfederal persons: Subtract 3A (portion expended in behalf of federal persons) from 1A (total expended).
5. In Line 5B enter the total nonfederal persons count shown in Line 1, Column C. In Line 5C enter the ELA eligible persons count. Determine the ELA eligible ratio by dividing the ELA eligible person count by total persons count. Enter the ratio in the space provided in Line 5.
6. Enter the additional federal funds claimable for ELA eligible recipients in Line 6: Multiply the nonfederal share of AFDC expenditures (Item 4) by the ratio shown in Item 5.
7. Compute the state share of additional federal funds claimable by multiplying Line 6 by .892. Enter the amount in Line 7.
8. Enter the county share of the additional federal funds claimable in Line 8. (Line 6 minus Line 7).

**STATE LEGALIZATION IMPACT ASSISTANCE GRANT (SLIAG)
FUNDS CLAIMABLE BASED ON EXPENDITURES FOR
ELIGIBLE LEGALIZED ALIENS (ELA)
GENERAL ASSISTANCE**

FOR STATE USE

- ☐ SDSS
☐ County Welfare
☐ County Auditor

COUNTY

DATE (MONTH)

(YEAR)

A PERSONS COUNT	B TOTAL AID PAID	SOURCE DOCUMENTS
		1. Main Payroll
		2. Current month supplemental payroll
() ()		3. Current month cancellation contra roll
		5. Prior months supplemental payroll
		6. SUBTOTAL (<i>reconciliation totals</i>)
() ()		7. Prior months cancellation contra roll
() ()		8. Abatements and repayments
		9. Schedule of adjustments (<i>show minus items in parentheses</i>)
		10. SUBTOTAL (<i>Lines 7, 8, 9</i>)
		11. SDSS office audit corrections (<i>for state use</i>)
		12. TOTALS

**C
FEDERAL SHARE**

GRAND TOTALS		
	Enter Line 12B	Line 13B x 100%

13.

CERTIFICATION

I hereby certify, under penalty of perjury, that I am the official responsible for the Administration of General Assistance in and for the aforesaid county; that the above information is correct to the best of my knowledge and belief; that payment for these expenditures has not been received; and that I have not violated any of the provisions of Sections 1090 to 1096, inclusive, of the Government Code.

SIGNATURE OF AGENCY OFFICIAL

TITLE

DATE

INSTRUCTIONS FOR USE OF FORM DFA 876

1. This form can be used for claiming federal reimbursement of General Assistance expenditures for Eligible Legalized Alien Recipients.
2. Enter county name and the month and year of the claim in the space provided.
3. Complete Lines 1 through 5, and 7 through 9 in accordance with the amounts shown on the integrated payroll summary. *(On nonintegrated payrolls, enter grand totals shown for each payroll or contra roll.)*
4. Enter the subtotals on Lines 6 and 10 and totals on Line 12.
5. The federal share is computed by multiplying Line 13B by 100%.

ALIENS LEGALIZED
UNDER THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

PROGRAM	245A TEMPORARY RESIDENTS		245A PERMANENT RESIDENTS		210 SPECIAL AGRICULTURAL WORKERS (SAWS)/210A 1/ REPLENISHMENT AGRICULTURAL WORKERS (RAWS)		212 CUBAN/ HAITIAN ENTRANTS AND 249 PRE-72 REGISTRY ALIENS	
	Not eligible	245A (h)(1)(A)(1)	Not eligible	245A(h)(1)(A)(1)	Not eligible	210(f)	Eligible	
Federal AFDC (FG/U)	Eligible		Eligible		Eligible		Eligible	
Federal AFDC Foster Care					Eligible		Eligible	
Nonfederal AFDC (FG/U)	Not eligible		Eligible 4/*		Eligible*		Eligible	
Nonfederal AFDC (FC)	Not eligible 3/		Eligible 4/		Eligible		Eligible	
Adoption assistance, child welfare services & foster care	Eligible		Eligible		Eligible		Eligible	
services (Social Sec. Act. Title IV Parts B&E)								
Medicaid (Title XIX)	Aged, Blind & Disabled (ABD) and aliens under 18 eligible for full services. Others eligible only for emergency and pregnancy-related services.*	245A(h)(1)(A)(ii) and (h)(3)	ABD & children under 18 are eligible for full services. Others eligible only for emergency and pregnancy-related services.*	245A(h)(1)(A)(ii) and (h)(3) (After 5 year limitation, all eligible for full scope benefits.)	SAWS/RAWS receive same benefits as 245A amnesty aliens.*	210(f); 210(a)(5) and 210(g)	Cuban/Haitian entrants who receive Refugee Medical Assistance (RMA), Registry aliens, and C/HE are eligible for full scope of services.	245A(h)(2)
State and local medical care (not Medicaid)	Eligible under Welfare and Institutions Code 17000.*	245A(h)(1)(B)	Eligible*	Eligible*			Eligible	

Food Stamps	Not eligible 245A(h)(1)(A)(iii)	Not eligible except for aged, blind or disabled as defined in Section 1614(a)(1) of the SSA.2/, 4/, 5/ 245A(h)(1)(A)(iii) and (h)(2)(B)	Eligible* 5/	Eligible
School lunch and breakfast	Eligible	Eligible	Eligible	Eligible
WIC and other child nutrition	Eligible	Eligible	Eligible	Eligible
SSI	Eligible 245A(h)(2)(B)	Eligible 245A(h)(2)(B)	Eligible	Eligible
SSP	Eligible* 245A(h)(2)(B)	Eligible* 245A(h)(2)(B)	Eligible*	Eligible
Other programs for ABD	Probably eligible depending on indi- vidual program restrictions 245A(h)(2)(B)	Eligible 245A(h)(2)(B)	Eligible	Eligible
Other programs for C/HE	Probably eligible depending on indi- vidual program restrictions 245A(H)(2)(A)	Eligible 245A(H)(2)(A)	Eligible	Eligible
General assistance	Possibly eligible under W&IC 17000* 245A(h)(1)(B)	Possibly eligible under W&IC 17000.* 245A(h)(1)(B)	Eligible*	Eligible
Federal housing programs	Perhaps ineligible, depending on new HUD Legislation and Attorney General designa- tion. 245A(h)(1)(A)(i)	Perhaps ineligi- ble depending on new HUD Legislation and Attorney General designation. 245A(h)(1)(A)(i)	Eligible	Eligible

Headstart	Eligible	Eligible	Eligible	Eligible
Job Training Partnership Act (JTPA)	Eligible	Eligible	Eligible	Eligible
Title IV of Higher Education Act of 1965	Eligible	Eligible	Eligible	Eligible
Block grants for Social Services (SSA Title XX)	Eligible	Eligible	Eligible	Eligible

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- 1/ SAWs/RAWs eligible by virtue of being deemed "legal permanent residents" while in both temporary (210(a)(5)) and permanent (210(G)) resident status.
- 2/ Eligible only after 5 years from granting TRS (the earliest date of eligibility for 245A is 5/5/92).
- 3/ Legalized children in TRS or PRS may also be eligible for foster care under County General Assistance.
- 4/ No aliens will be eligible until November 5, 1988 (the first date a legalized alien can be adjusted to PRS). (Aged, blind or disabled aliens in PRS who are not in receipt of SSI/SSP may be eligible for food stamp benefits as early as 11/7/88.)
- 5/ Administrative costs only.
- * Eligible for SLIAG reimbursement.